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3668 U.S. PTO

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# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
1910/174

Total Pages in this Submission  
17

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

IMPROVED PROTEINACEOUS ANIMAL CHEW WITH DENTALLY THERAPEUTIC CATION

and invented by:

R. Eric Montgomery

36675 U.S. PTO  
09/398156  
66/9T/60

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/689,475

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 9 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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17

## Application Elements (Continued)

3. ☐ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      b. ☐ Informal      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (if applicable, all must be included)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☐ Express Mail (Specify Label No.): EL361717708US

09/16/99

Jesse U.S. PRO

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
1910/174

Total Pages in this Submission  
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## Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 1 (copy from parent appln)
17. ☐ Additional Enclosures (please identify below):

## Fee Calculation and Transmittal

### CLAIMS AS FILED

| For  | #Filed | #Allowed | #Extra | Rate      | Fee      |
|--|--------|----------|--------|-----------|----------|
| Total Claims   | 13     | - 20 =   | 0      | x \$18.00 | \$0.00   |
| Indep. Claims  | 2      | - 3 =    | 0      | x \$78.00 | \$0.00   |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |        |          |        |           | \$0.00   |
| BASIC FEE  |        |          |        |           | \$380.00 |
| OTHER FEE (specify purpose)  |        |          |        |           |          |
| TOTAL FILING FEE   |        |          |        |           | \$380.00 |

- ☒ A check in the amount of \$380.00 to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. 19-4972 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: September 16, 1999

  
Signature

Herbert A. Newborn  
Registration No: 42,031  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

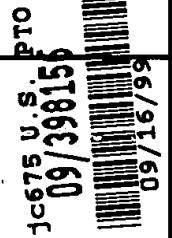
Docket No.

Applicant(s): R. Eric Montgomery

1910/174

Serial No.  
unassignedFiling Date  
filed herewithExaminer  
n/aGroup Art Unit  
n/a

Invention: IMPROVED PROTEINACEOUS ANIMAL CHEW WITH DENTALLY THERAPEUTIC CATION



I hereby certify that this continuation patent application transmittals and accompanying papers  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
September 16, 1999  
(Date)

Herbert A. Newborn

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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**Note: Each paper must have its own certificate of mailing.**

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS -  
INDEPENDENT INVENTOR

Applicant(s): R. Eric Montgomery  
Serial No: Not Assigned  
Date Filed: Herewith  
For: IMPROVED ANIMAL CHEW WITH DENTALLY THERAPEUTIC  
AGENT

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the above invention.

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

(individual, small business concern, nonprofit organization)

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the

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application, any patent issuing thereon, or any patent to which this verified statement is directed.

Inventor: R. Eric Montgomery

Signature: R. E. Montgomery

Date: 8-11-95

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